

EX PARTE OR LATE FILED

RECEIVED

OCT 18 1996

Davis Wright Tremaine LLP

LAW OFFICES

Suite 700 • 1155 Connecticut Avenue, N.W. • Washington, D.C. 20036
(202) 508-6600 • Fax: (202) 508-6699
Website: <http://www.dwt.com>

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Richard L. Cys
(202) 508-6617

October 18, 1996

EX PARTE PRESENTATION

DOCKET FILE COPY ORIGINAL

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

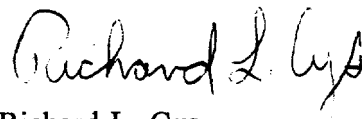
Re: Implementation of the Local Competition Provisions in
the Telecommunications Act of 1996, CC Docket 96-98;
Telephone Number Portability, CC Docket 95-116

Dear Sir:

In accordance with the Commission's ex parte rules, on October 18, 1996 the undersigned, on behalf of NEXTLINK Communications, L.L.C., presented written ex parte materials consisting of a proposed rule for telephone number portability, 47 C.F.R. § 52.3(h), to Mr. Jason Karp, Ms. Mindy Littell, Ms. Carol Matthey, Ms. Susan McMaster and Ms. Jeannie Su of the Common Carrier Bureau. Pursuant to Commission Rule 1.1206(a)(1), attached for inclusion in the public record of the above-captioned proceeding are two copies of the ex parte presentation.

Please date stamp and return to the messenger the copy of this cover letter.

Very truly yours,



Richard L. Cys

Counsel for NEXTLINK
Communications, L.L.C.

RLC/tm
Enclosures

No. of Copies rec'd
List ABCDE

041

Notice of Ex Parte Presentation
October 18, 1996
Page 2

cc: Jason Karp
Mindy Littell
Carol Matthey
Susan McMaster
Jeannie Su
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 544
Washington, D.C. 20554

RECEIVED

OCT 18 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**EX PARTE PRESENTATION OF NEXTLINK COMMUNICATIONS, L.L.C.
SUBMITTED ON OCTOBER 18, 1996 Re: Implementation of the Local
Competition Provisions in the Telecommunications Act of 1996,
CC Docket 96-98; Telephone Number Portability, CC Docket 95-116**

In accordance with Commission Rule 1.1206(a)(1), two copies of these materials have been submitted today to:

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

PROPOSED RULE FOR TELEPHONE NUMBER PORTABILITY

New Rule 47 C.F.R. § 52.3(h):

Beginning November 15, 1996 and through and including February 17, 1997, a telecommunications carrier may request implementation of number portability comporting with the requirements of 47 C.F.R. § 52.3(a) for an MSA outside of the 100 largest MSAs on an expedited schedule. The following procedures shall apply to any such request:

1. A telecommunications carrier may file with the Commission a request that long-term number portability be made available by December 31, 1997, or any longer period of time, in any MSA outside the largest 100 MSAs in which that telecommunications carrier is operating or plans to operate. The request shall be served on all LECs currently operating a switch in such MSA.

2. The requesting telecommunications carrier shall demonstrate in its request that in the particular MSA sought to be added, there is sufficient evidence of the existence of

competition which could be advanced by deployment of local number portability.

3. Upon receipt of a request pursuant to paragraph 1 of this subsection, the Commission shall notify the state commission having jurisdiction over the MSA which is subject to the request and shall ask the state commission to submit its views within 20 days as to whether there is sufficient evidence of the existence of competition which could be advanced by deployment of local number portability in that MSA. The Commission shall consider these views in ruling upon the request.

4. Within 20 days after the carrier files its request, each LEC operating in the MSA must respond to the request stating whether or not it will voluntarily agree to implement a long-term database method for number portability in the MSA within the requested timeframe and, if not, the reasons why there is not sufficient evidence of competition which could be advanced by deployment of local number portability in the MSA.

5. Within 45 days after the carrier files its request, the Commission shall render its decision on the request. The Commission shall grant the request if it determines that there is sufficient evidence of competition. The following factors shall be considered in determining whether "sufficient evidence" of such competition exists:

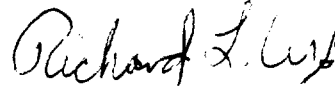
- a. Whether the requesting carrier has a central office switch in the MSA with NXX's assigned from the local number administrator;

- b. Whether the requesting carrier has interconnected with the incumbent LEC;
- c. Whether the requesting carrier is prepared to provide number portability pursuant to 47 C.F.R. § 52.3(a) within the same time period specified by the requesting carrier.

6. Nothing in this subsection shall preclude a LEC from seeking an extension of any deadline imposed for implementation of a long-term database method for number portability pursuant to 47 C.F.R. § 52.3(e).

[END OF PROPOSED RULE TEXT]

Very truly yours,



Richard L. Cys

Counsel for NEXTLINK
Communications, L.L.C.